

1 SHANNON L. GUSTAFSON (SBN 228856)
2 sgustafson@lynberg.com
3 AMY R. MARGOLIES (SBN 283471)
4 amargolies@lynberg.com
5 **LYNBERG & WATKINS**
6 A Professional Corporation
7 1100 W. Town & Country Road, Suite #1450
8 Orange, California 92868
9 (714) 937-1010 Telephone
10 (714) 937-1003 Facsimile

11 Attorneys for Defendants, County of San Bernardino, Robert Vaccari, and Jake
12 Adams

13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 L.C., a minor by and through her
16 guardian *ad litem* Maria Cadena,
17 individually and as successor-in-interest
18 to Hector Puga; I.H., a minor by and
19 through his guardian *ad litem* Jasmine
20 Hernandez, individually and as
21 successor-in-interest to Hector Puga;
22 A.L., a minor by and through her
23 guardian *ad litem* Lydia Lopez,
24 individually and as successor-in-interest
25 to Hector Puga; and ANTONIA
26 SALAS UBÁLDO, individually,

27 Plaintiffs,

28 vs

STATE OF CALIFORNIA; COUNTY
OF SAN BERNARDINO; S.S.C., a
nominal defendant; ISAAH KEE;
MICHAEL BLACKWOOD;
BERNARDO RUBALCAVA;
ROBERT VACCARI; JAKE ADAMS;
and DOES 6-10, inclusive,

Defendants.

CASE NO. 5:22-cv-00949-KK-(SHKx)

Assigned for All Purposes to:
Hon. Kenly K. Kato – Courtroom 3

**DECLARATION OF AMY R.
MARGOLIES, ESQ. IN SUPPORT
OF COUNTY DEFENDANTS'
OPPOSITION TO PLAINTIFFS'
MOTION IN LIMINE NO. 3 TO
EXCLUDE EVIDENCE DISCLOSED
OR PRODUCED AFTER FACT
DISCOVERY CUT-OFF**

DECLARATION OF AMY R. MARGOLIES

I, Amy R. Margolies, declare as follows:

1. I am an attorney at law duly authorized to practice before this Court and am a partner with Lynberg & Watkins, attorneys for Defendants County of San Bernardino, Robert Vaccari, and Jake Adams in this action. I have personal knowledge of the facts stated herein, except those stated upon information and belief, and as to those matters, I believe them to be true. If called upon to testify to the matters herein, I could and would competently do so.

2. The at issue subpoena records to the third parties was issued on December 6, 2024, as soon as their need became apparent, still nearly a month before the January 2, 2025, discovery cut-off but regrettably not within the 45-days before the cut-off as directed in the Court's civil trial scheduling order.

3. The need for the subpoenaed records became apparent after the first deposition of Plaintiff, wherein Plaintiff Antonia Salas Ubaldo, Decedent's mother, feigned ignorance as to Mr. Puga's well documented violent criminal conduct, despite testifying they were very close, attended trials and visited him in jail, and each Plaintiff thereafter also denied or minimized their knowledge thereby necessitating the need for more detailed criminal records to address Plaintiffs' credibility.

4. Attached hereto as Exhibit "A" is a true and correct copy of the email correspondence between Defense counsel and Plaintiffs' counsel wherein Plaintiffs blocked Defendants' attempt to depose Plaintiffs any earlier than December 3, 2024, and the related Notice of Depositions for each Plaintiff and their Amended Notices of Deposition. Plaintiff A.L.'s GAL Lidia Lopez was deposed on December 4, 2024. Plaintiff L.C.'s GAL Maria Cadena's was deposed on December 11, 2024, as was Plaintiff I.H.'s GAL Jasmine Hernandez. Mr. Puga's sisters Gabriela Salas and Nancy Juarez were deposed on December 19, 2024.

1 5. Attached hereto as Exhibit “B” is a true and correct copy of relevant
2 excerpts from Plaintiff Antonia Ubaldo’s deposition transcript.

3 6. After Plaintiffs repeated denials of their knowledge of Mr. Puga’s
4 confrontational and violent criminal conduct, the same day, County Defendants
5 immediately requested a rush order for subpoenas to the CDCR Archives, East
6 Angeles County Sheriff’s Station, LAPD Metropolitan Detention Center, Long Beach
7 Police Department, Los Angeles County Sheriff’s Department, Los Angeles Police
8 Department, South Angeles County Sheriff’s Station, and the Wasco State Prison.
9 The process server served the subpoenas on December 6, 2024.

10 7. Attached hereto as Exhibit “C” is a true and correct copy of relevant
11 excerpts from Plaintiff I.H.’s GAL Jasmine Hernandez’s deposition transcript.

12 8. Attached hereto as Exhibit “D” is a true and correct copy of relevant
13 excerpts from Plaintiff A.L.’s GAL Lidia Lopez’s deposition transcript.

14 9. Attached hereto as Exhibit “E” is a true and correct copy of relevant
15 excerpts from Plaintiff L.C.’s GAL Maria Cadena’s deposition transcript.

16 10. Attached hereto as Exhibit “F” is a true and correct copy of Maria
17 Cadena’s Restraining Order against Mr. Puga.

18 11. Attached hereto as Exhibit “G” is a true and correct copy of the email
19 correspondence between Plaintiffs’ counsel and Defense counsel regarding Plaintiffs’
20 objections to the facilities directed them that they were prohibited from disclosing the
21 records that Defense counsel had duly issued regarding Mr. Puga’s criminal records.

22 12. Attached hereto as Exhibit “H” is a true and correct copy of the email
23 correspondence sent by Plaintiffs’ counsel wherein they agree to withdraw their
24 objections to the subpoenas for Mr. Puga’s criminal records provided Defendants
25 provide copies of all materials received to Plaintiffs.

26 13. Attached hereto as Exhibit “I” is a true and correct copy of the email
27

1 correspondence sent by Defense counsel wherein they agreed to provide Mr. Puga's
2 criminal records they received from their subpoenas.

3 14. Attached hereto as Exhibit "J" is a true and correct copy of the email
4 correspondence sent by Plaintiffs' counsel wherein they provided their withdraw
5 objection letters to the subpoenaed facilities.

6 15. Plaintiffs' counsel received the subpoenaed records received from the
7 facilities promptly after Defense counsel received the records, thereby curing any
8 potential prejudice to Plaintiffs.

9 16. Plaintiffs' only objection to the subpoenas was based on relevance and
10 at no point did they raise any concern regarding timing or violation of the Court's
11 scheduling order. Had Plaintiffs raised any timeliness concerns back in December
12 2024 when the subpoenas were issued, Defendants would have immediately, as stated,
13 filed an Ex Parte to seek Court intervention and fully brief the issue. Relying on
14 Plaintiffs' agreement to withdraw their objections provided they receive copies of the
15 materials, Defendants believed this matter was settled. In fact, several of Defendants'
16 experts relied on these records and authored reports reflecting the same and at no time
17 did Plaintiffs offer any rebuttal or objection to these records until the instant motion
18 in limine.

19 17. Defendants only intend to address relevant information in trial and not
20 many of the records will be needed. While Defendants maintain that all the records
21 at issue should not be excluded for the reasons stated herein, Defendants do not intend
22 to use several of the records. In particular, County Defendants do not intend to use
23 the following materials: Los Angeles County Sheriff's Department records from
24 Temple Street, produced on January 15, 2025 (17 pages), Los Angeles County
25 Sheriff's Department Twin Towers Correctional Facility Records, produced on
26 January 17, 2025 (17 pages), CDCR Archives Incarceration records, produced on
27

1 January 17, 2025 (8 pages) or East Angeles County Sheriff's Station records,
2 produced on January 24, 2025 (8 pages).

3 18. The subpoena records demonstrate Mr. Puga's consistent violent
4 criminal behavior and actions against law enforcement. They reflect a history of
5 violent felonies, prison time, and conduct consistent with his actions during the
6 incident.

7 19. Two months prior, per the publicly available criminal complaint, Mr.
8 Puga was charged in the Central District for being a felon in possession of a loaded
9 AR-15 assault rifle and ammunition. Attached hereto as Exhibit "K" is a true and
10 correct copy of Mr. Puga's federal criminal complaint publicly filed December 24,
11 2020 (two months before the incident).

12 20. Two days before the incident, on February 15, 2021, Mr. Puga fled a
13 police stop, and was seen by his sister with a gun matching the description of the gun
14 he fired at officers during the incident.

15 21. The night before the incident, on February 16, 2021, Mr. Puga shot at a
16 stranger on the freeway; hours later, the incident at issue in this lawsuit occurred
17 where Mr. Puga led police on a high-speed chase through residential areas before his
18 vehicle was disabled.

19 22. Mr. Puga's actions on the night of the incident mirror a 2015 incident, in
20 which Mr. Puga also led police on a pursuit and then fired at them when he exited his
21 vehicle.

22 23. Defendants' criminal sentencing expert will testify that, had Mr. Puga
23 survived, he would likely have been sentenced to life in prison, significantly limiting
24 the "society and comfort" he could have provided to Plaintiffs.

25 ///

26 ///

27

1 I declare under penalty of perjury under the laws of the United States of
2 America that the above statement is true and correct. Executed this 24th day of April
3 2025 in San Diego, California.

4
5 */s/ Amy R. Margolies*

6 **DECLARANT**
7 **AMY R. MARGOLIES**
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27